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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,617	08/15/2005	Juergen Schultz	11150/87	4036

26646 7590 02/08/2007
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/511,617	Applicant(s) SCHULTZ, JUERGEN	
	Examiner Devona E. Faulk	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/31/2005</u> <u>10/15/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The applicant's preliminary amendment filed on 10/15/2004 has been entered. The amendment cancelled claims 1-11 and added claims 12-22.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim 21** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **Claim 21** recites "... a multifunction operation unit configured to display a position of the transmitter devices and the receiver devices...".

The specification discloses that "to dispense with separate control elements for the different seating positions, a rotary/pressure transducer, may be used so that the seating positions may be selected by way of rotation and the transmitting and/or receiving devices of the seating positions may then be deactivated or reconnected by pressing..". The rotary/pressure transducer displays different seating positions and not the position of the transmitter and receiver devices as claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. **Claims 12-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over McGregor et al. (US 4,965,833) in view of Lee et al. (US 4,449,238).

Claims 12 and 22 share common features.

Regarding **claims 12 and 22**, McGregor discloses a communications device for transmitting acoustic signals in a motor vehicle (column 1, lines 32-38; column 3, lines 41-54 abstract, Figure 1), comprising:

at least two transmitter devices configured to transmit acoustic signals (Figure 2, front/rear microphones 6 and 9, amplifier/electrical conditioning units 8,11);

at least two receiver devices configured to emit acoustic signals (Figure 2, front/rear loudspeakers 7 and 10, Figures 2,5 and 6; column 3, lines 41-54);

a control unit configured to activate and deactivate at least the transmitter devices (switching unit 12, Figure 2; column 3, lines 27-33; column 1, lines 32-47);

wherein at least one transmitter device and at least one receiver device are assigned to a spatial position (column 2, lines 1-15, "favorable acoustic position"), the transmitter devices configured to detect signal levels in accordance with the control unit switching unit 12, Figure 2; column 2, line 56- column 3, line 40;column 1, lines 32-47), the control unit configured to activate a transmitter device (column 2, line 56- column 3, line 40), the control unit assigned at least one control element configured to at least one of (a) selectively deactivate at least one transmitter device independently of an applied signal level (on/off switch , latch switch 24, push-button 25, by which the amplifier/electrical conditioning unit can be selectively deactivated ; column 5, line 45- column 6, line 36) .

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McGregor fails to disclose that the signal level of at least one transmitter is weighted by means of the control element and that the signal level at the transmitters can be measured by means of the control element and only the transmitter with the highest signal level is activated.

Lee discloses a communications devices (voice actuated switching system) comprising a control unit (Figures 1 and 2, CPU), transmitters (microphones) and a receiver (loudspeaker). Lee discloses that the control element (microphone control unit 20, Figure 1) controls the selected, mixed and off states of the microphone channels, that the signal levels (output signal levels from each of the microphones are weighted by the microphone control unit and that the signal levels at the transmitters can be measured by the control unit (CPU) and only the transmitter with the highest signal level is activated (the microphone with the greatest output at any given time is considered in the selected state; column 2, lines 30-55). It would have been obvious to modify McGregor so that the signal levels from each of the microphones are weighted and so that only the transmitter with the highest signal level is activated in order to minimize noise and reverberation.

Regarding **claim 13**, McGregor as modified by Lee discloses wherein the control element is configured to deactivate at least one receiver element independently of the signal levels (column 2, line 56- column 3, line 40; column 6, line 10-column 7, line 6).

Regarding **claim 14**, McGregor as modified by Lee discloses wherein the transmitter devices include at least one of (a) a microphone and (b) a microphone array (McGregor; column 2, line 56- column 3, line 40).

Regarding **claim 15**, McGregor as modified by Lee discloses wherein the receiver devices include a loudspeaker (McGregor; column 2, line 56- column 3, line 40).

Regarding **claim 16**, McGregor as modified by Lee discloses wherein the control unit is configured to one of (a) deactivate an assigned receiver device of an active transmitter device and (b) reduce a level of the assigned receiver device of the active transmitter device (Lee, column 2, lines 32-66) .

Regarding **claim 18**, McGregor as modified by Lee discloses further comprising echo compensators arranged between the transmitter devices and the receiver devices (McGregor; column 2, line 56- column 3, line 40; column 6, line 10-column 7, line 6).

Regarding **claim 19**, McGregor as modified by Lee discloses further comprising attenuation devices arranged between the transmitter devices and the receiver devices (Lee, column 5, line 24-column 6, line 44).

Regarding **claim 20**, McGregor as modified by Lee discloses wherein the control element includes at least one of (a) a non-locking key, (b) a switch, (c) a rotary transducer and (d) a pressure transducer (McGregor; column 2, line 56- column 3, line 40; column 6, line 10-column 7, line 6; switching unit).

Regarding **claim 21**, McGregor as modified by Lee discloses The communications device according to claim 12, further comprising a multifunction operation unit configured to display a position of the transmitter devices and the receiver

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devices, the control element assigned to the multifunction operation unit (McGregor; column 6, line 20-line 36).

5. **Claims 12-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over McGregor et al. (US 4,965,833) in view of Lee et al. (US 4,449,238) as modified by Schaaf (WO 99/49698).

Regarding **claim 17**, McGregor as modified by Lee fails to disclose of time-delay elements configured to compensate for differences in propagation time arranged between the transmitter devices and the receiver devices. Schaaf discloses time-delay elements configured as claimed. It would have been obvious to modify McGregor as modified to include time-delay elements to compensate for differences in propagation in order to determined the location of a person speaking. .

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848.

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Conclusion

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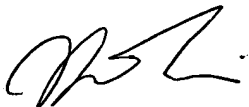
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